

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTSRECEIVED  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
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DAVID NAGER & ASSOCIATES, INC., )  
Plaintiff, )  
v. )  
UNIVERSAL AUTOMOTIVE, INC., )  
Defendant. )

CIVIL ACTION NO. 04-10945-RGS

**DEFENDANT'S ASSENTED-TO MOTION TO SET ASIDE DEFAULT**

Defendant Universal Automotive, Inc. ("Universal") moves, pursuant to Fed. R. Civ. P. 55(c), to set aside the default entered July 23, 2004. Due to the inattention of Universal's registered agent on whom the summons and complaint were served, Universal did not learn of the complaint in this action until August 5, 2004. Counsel for plaintiff David Nager & Associates, Inc. has agreed to assent to the removal of default so long as Universal's answer is filed by August 20, 2004. Universal has prepared an answer and jury demand, which is being filed contemporaneously with this motion.

## ASSENTED TO:

DAVID NAGER &amp; ASSOCIATES, INC.

By its attorneys,

William A. DeVasher, Jr. (BBO #552010)  
SEEDEL, LIPSHUTZ & WILCHINS, P.C.  
Wellesley Office Park  
60 William Street, Suite 200  
Wellesley, MA 02481  
(781)-237-4400

Dated: August 18, 2004

UNIVERSAL AUTOMOTIVE, INC.

By its attorneys,

T. Christopher Donnelly (BBO# 129930)  
DONNELLY, CONROY & GELHAAR, LLP  
One Beacon Street, 33rd Floor  
Boston, Massachusetts 02108  
(617) 720-2880

**CERTIFICATE OF SERVICE**

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for each party by mail/by hand

Date: August 18, 2004